

REMARKS/ARGUMENTS

Claims 1, 3, 5 and 14-29 are all the claims currently pending in the application.¹ Based on the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 1-3, 14-15, 19-23, 25-28 & 29 Under 35 U.S.C. § 103

Claims 1-3, 14-15, 19-23, 25-28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynn (U.S. Patent No. 6,595,859 hereinafter “Lynn”), Humes (U.S. Patent No. 5,996,011 hereinafter “Humes”), Swift (U.S. Patent No. 6,895,111 hereinafter Swift), and Crawford (U.S. Patent No. 6,781,608 hereinafter “Crawford”).

Claim 1 requires, “[a] system ... comprising,” *inter alia*, “an integrated circuit ... for processing said image data, wherein, for each of the plural pixels, said *image data comprises* at least *first and second* portions of image data that are *linked together*, the *first portion* including *payload data* and the *second portion* including *metadata*, wherein said payload data comprises content for the pixel and said *metadata comprises a value* selected from a predefined set of values *which classifies the pixel independently from the other pixels*, whereby, because *each of the processable pixels are individually classified* according to a *particular metadata value* selected from the predefined set of values, said integrated circuit is able to perform operations on individual pixels based on their metadata, said integrated circuit comprising: *a filter for obscuring the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value* without preventing the display of the content of the remaining plurality of pixels that *does not have a metadata value* that exceeds the discretionary threshold value.”

Applicant respectfully submits that the combination of Lynn, Humes, Swift and Crawford does not teach or suggest at least the above features of claim 1. In the Amendment filed January 12, 2007 it was submitted that in contrast to the Examiner’s general assertion, nowhere in the cited portion of Lynn, or any other portion of the combination is there any mention, teaching or

¹ Claims 6-13 are withdrawn from consideration.

suggestion relating to an integrated circuit which processes image data, for *each of the plural pixels*, comprising first and second portions that are linked together, as required by claim 1. At best, Lynn, either individually or in combination with Humes, Swift, and Crawford, merely discloses that a user/player clicks on a pixel or image area of the game page and that this pixel is “compared against stored x-y coordinates for a winning pixel ... location(s)” so that a player can win a prize. (Col. 1, lines 53-61 of Lynn) In the Amendment filed January 12, 2007 it was further pointed out that Lynn, either individually or in combination with Humes, Swift and Crawford, is simply altogether silent regarding the makeup of each of the respective pixels in the image pertaining to the Internet marketing game page disclosed therein and that there certainly is no teaching or suggestion relating to each of the plural pixels having a first portion including payload data and a second portion including metadata, “wherein said payload data comprises content for the pixel and said metadata comprises a value selected from a predefined set of values which classifies the pixel independent from the other pixels,” as required by claim 1. Particularly, it was pointed out in the Amendment filed January 12, 2007 that Lynn, in combination with Humes, Swift and Crawford, does not teach or suggest that each of the respective pixels of the Internet marketing game page includes payload data and metadata, the combination also fails to teach or suggest that the “*payload data comprises content for the pixel and ... metadata comprises a value selected from a predefined set of values which classifies the pixel* independently from the other pixels,” as claimed. Nowhere in the cited portions of Lynn, either individually or in combination with Humes, Swift and Crawford is there any teaching or suggestion relating to each of the pixels disclosed therein having a metadata value which classifies each of the pixels and there is simply no mention, teaching or suggestion, in Lynn, either individually or in combination with Humes, Swift and Crawford, pertaining to the pixels disclosed therein containing values that are used to classify each of the respective pixels, as suggested by the Examiner² and as required by claim 1. Additionally it was pointed out in the Amendment filed January 12, 2007 that there is no teaching or suggestion in Lynn, either individually or in combination with Humes, Swift and Crawford, relating to classification of

² See pgs. 2-3 of the Office Action.

pixels generally either. Based on at least the foregoing, Applicant again submits that the combination is deficient and does not teach or suggest all of the features of claim 1.

In the *Response to Arguments* section, the Examiner again asserts that Lynn teaches “a plurality of pixels having a first portion ... including payload data and the second portion including metadata.” (See pg. 7 of the Office Action) In particular, the Examiner suggest that Lynn teaches the above because column 1, lines 50-67, column 3, lines 30-41 and column 4, lines 10-24 of Lynn allegedly discloses “payload data: a prize available at a particular coordinate” and “metadata: x-y coordinates for winning [a] pixel.” Applicant respectfully disagrees and submits that the Examiner is giving the combination of references credit for more than they actually teach. As pointed out in the Amendment filed January 12, 2007, column 1, lines 43-67 of Lynn in contrast to claim 1, at best, merely discloses that it relates to an Internet marketing game for promoting access to a web site which hosts the game and to keep potential consumers occupied on the web site for exposure to several different advertising spaces. Lynn explains that the “game is centered around ‘a point and click’ system in which a screen display is provided which includes an image made up of a large number” of pixels. Lynn further describes that a player moves a cursor around the image and randomly selects a pixel or image area on the image. The x-y coordinate location of the pixel or image area is then compared against stored x-y coordinates “for winning pixel or image area location(s).” (Col. 1, lines 43-67 of Lynn) It was further pointed out in the Amendment filed January 12, 2007 that column 3, lines 7-25 of Lynn, at best, describes the logic of the Internet Marketing Game. Particularly, column 3, lines 7-25 of Lynn explains that a game server is started and represents the loading of error files and that bonus information for a particular period (“e.g. a 24 hour period”) is loaded. (See also FIG. 1a of Lynn) It was further pointed out that column 3, lines 7-25 of Lynn describes that the bonus information includes parameters for “bonus and ‘secret bonus’ rounds” having parameters being read from the file and parsed into its particular internal representation and that image information for the particular image being used for the game is loaded. Column 3, lines 7-25 additionally explains that “[t]he rules of the game dictate that only pixel or image areas selected within the image boundaries can be [a] winning” location(s) “e.g. ... tree foliage.”

In the Amendment filed January 12, 2007 it was further pointed out that column 4, lines 10-24 of Lynn, at best, describes that if a request is a game request “in the form of a code including a selected (x,y) pixel or image area coordinate location on the tree, the specific game situation for which the request was generated” “and a verification that the request was originating by a ‘click’ on the game image from the player’s browser” is generated. (See also FIG. 1b of Lynn) Column 4, lines 10-24 of Lynn also explains that “the selected pixel or image area location is compared against the winning pixel or image area locations for the prize list for that time period of order to determine” if the selection is a winner.

Contrary to the Examiner’s general allegation, nowhere in the cited portion or any other portion of Lynn, either alone or in combination with, Humes, Swift and Crawford, is there any teaching or suggestion that “for *each* of the *plural pixels*,” of the Internet Marketing Game, disclosed therein, comprises at least first and second portions of image data that are linked together, the *first portion* including *payload* data and the *second portion* including *metadata*, wherein said payload data comprises content for the pixel and said *metadata* comprises a *value selected from a predefined set of values which classifies the pixel independently from other pixels*,” as required by claim 1. Nowhere in the cited portion of Lynn or any other portion of the combination is there any teaching or suggestion that the “x-y coordinates for [a] winning pixel” (alleged metadata) “comprises a value selected from a predefined set of values which classifies the pixel independently from the other pixels,” as required by claim 1. Rather, Lynn, either alone or in combination with Humes, Swift and Crawford, at best, best discloses that the x-y coordinate location of a selected pixel or image area of the Internet Marketing game is compared against stored x-y coordinates “for winning pixel or image area locations(s).” (Col. 3, lines 43-67 of Lynn) For at least the foregoing reasons, the combination of Lynn, Humes, Swift and Crawford does not teach or suggest all of the features of claim 1.

Applicant again notes that the Examiner correctly concedes that Lynn does not teach or suggest all of the features of claim 1. However, the Examiner continues to rely on Humes to make up for *some* of the deficiencies of Lynn and asserts that Humes in combination with Lynn “teaches a filter for blocking the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold

value.” (See pg. 3 of the Office Action) In rejecting claim 1, the Examiner continues to rely on “col. 2, lines 56-63, col. 3, lines 1-8; [and] col. 4, lines 55-58” of Humes as teaching the above features of claim 1. (See *id.*) Applicant respectfully disagrees.

As pointed out in the Amendment filed January 12, 2007, Humes, at best, teaches word based and text-based filtering. To be precise, Humes merely discloses filtering which blocks the words and text of a web-page from being sent and displayed to the user’s computer or alternatively blocks the web page altogether, if a final score for the web page exceeds a threshold, as discussed above. Nowhere in the cited portion of the Humes, (or any other portion of Humes) either alone or in combination with Lynn, Swift and Crawford, is there any mention, teaching or suggestion relating to “a filter for obscuring the content of *only* a plurality of *pixels* that *has* a metadata *value* that *exceeds a discretionary threshold value*, as required by claim 1. There is simply no teaching or suggestion in Humes pertaining to any pixels disclosed therein which has a metadata value and there certainly is no teaching or suggestion of a pixel that has a metadata value that may exceed a threshold value either, as required by claim 1. Rather, it was pointed out in the Amendment filed January 12, 2007 that Humes, at best, discloses that “each word in the dictionary [i.e., not the pixels of the web page] has a number of variables”³ which may indicate whether to replace the word on the web page with a specific replacement filler (e.g. “replac[ing] objectionable word ‘darn’ for ‘damn’”—See Col. 7, lines 51-53 of Humes) or an innocuous filler (e.g., “- - -”), irrespective of any comparison to a threshold value. Additionally, it was pointed out in the Amendment filed January 12, 2007 that Humes explains that “if the total score of the web page exceeds the predetermined threshold, e.g., 50, then the entire page is replaced with a ‘FORBIDDEN’ page.” (Col. 7, lines 55-59 of Humes) Given that the total score of the web page is compared to a predetermined threshold and not a metadata value of each of a plurality of pixels and since words in the dictionary have variables and not each of the pixels of Humes, Applicant again submits that the combination fails to teach or suggest at least “a filter for obscuring the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value *without preventing the display* of the content of the remaining

³ Col. 3, lines 50-51 of Humes. (emphasis added)

Appl. No.: 09/753,844
Amdt. dated 06/25/2007
Reply to Office action of April 4, 2007

plurality of pixels that *does not have a metadata value that exceeds the discretionary threshold value,*” as required by claim 1.

Applicant notes that the Examiner has not responded to all of the arguments set forth above and specifically at pages 14 and 15 of the Amendment filed January 12, 2007. However, MPEP § 707.07(f) requires that “[w]here the [A]pplicant traverses any rejection, the [E]xaminer should, if he or she repeats the rejection, take note of the [A]pplicant’s argument and answer the substance of it.” (emphasis added) In contrast to the requirements of MPEP § 707.07(f), the grounds of rejection merely contain verbatim the same arguments presented in the Office Action dated November 16, 2006 (See pg. 3 of the November 16, 2006 Office Action) without providing any substantive explanation whatsoever. Instead, in the *Response to Arguments* section, the Examiner merely makes the sweeping assertion that “col. 3, lines 5-9” of Humes teaches a filter for blocking the content of only a plurality of pixels that has [a] metadata value that exceeds a discretionary threshold value,” because Humes allegedly discloses that “certain portions of the web page are being blocked” and the Examiner notes that “portions of the web page that are being blocked can contain [a] plurality of pixels.” (See pg. 8 of the Office Action) Even assuming that Humes discloses that “certain portions of the web page are being blocked” and that “*arguendo* portions of the web page that are being blocked can contain [a] plurality of pixels,” as suggested by the Examiner, the combination still does not teach or suggest all of the features of claim 1. A filter blocking portions of a web page wherein the web page consists of a plurality of pixels simply does not teach or suggest, “a filter for obscuring the content of only a *plurality of pixels that has a metadata value that exceeds a discretionary threshold value,*” as required by claim 1. There is no teaching or suggestion relating to blocking a portion of the web page in Humes (either alone or in combination with Lynn, Swift and Crawford) based on a pixel that has a metadata value that exceeds a threshold value, as claimed. Accordingly, the arguments submitted above and those set forth specifically at pages 14 and 15 of the Amendment filed January 12, 2007 remain rebutted, and independent claim 1 is allowable at least for those reasons previously of record.

Applicant again notes that the Examiner correctly concedes that Lynn and Humes in combination does not teach or suggest all of the features of claim 1 but relies on Swift to make up for some of the deficiencies of Lynn and Humes. Particularly, the Examiner continues to rely

Appl. No.: 09/753,844
Amdt. dated 06/25/2007
Reply to Office action of April 4, 2007

on column 3, lines 10-47, FIGS. 2 and 3, threshold 190 and the graphic image file analysis routine 160, of Swift, in combination with Lynn, Humes and Crawford as teaching features of claim 1. (See pgs. 3 and 8 of the Office Action) Applicant disagrees.

In the Amendment dated January 12, 2007, Applicant pointed out that the cited portion of Swift, at best, discloses a “computer system ... with associated programming to evaluate spectral components of each pixel to classify” each pixel as not representing human skin (NS) or possibly representing human skin (PS). (See Col. 3, lines 10-47 of Swift) (emphasis added) Given that Swift discloses a program of a computer system that evaluates spectral components of each pixel in order to classify each pixel “based on the application of rules,” Swift, either individually or in combination with Lynn, Humes and Crawford, simply does not teach or suggest that each pixel has metadata comprising *a value* which classifies the pixel independently from other pixels, as claimed. (Col. 8, line 35 to col. 9, line 10) Additionally, it was pointed out in the Amendment dated January 12, 2007 that nowhere in Swift is there any teaching or suggestion, and the Examiner cites to none, relating to each pixel, disclosed therein having metadata comprising *a value* which classifies the pixel and a *metadata value* that exceeds a *discretionary threshold value*. Rather, FIGS. 2-3 of Swift merely relate to a “WEB PAGE EVALUATION” routine 130 and a “GRAPHIC IMAGE FILE ANALYSIS” routine 160, respectively. (See Col. 5, lines 29-30 & col. 7, lines 29-31 of Swift) Column 8, lines 35-43 of Swift, which relates to FIG. 3, explains that the spectral components of a graphic image are evaluated by the routine 160, i.e., program to classify each pixel as a “NS” pixel or a “PS” pixel. FIGS. 2-3 of Swift, the graphic image file analysis routine 160 of Swift and any other portions of Swift are simply altogether silent regarding any pixels that contain metadata and there certainly is no teaching or suggestion relating to each pixel having metadata with a value for classification and another value that is compared to a threshold value.

Applicant again submits that as known to those skilled in the art, spectral components of a pixel do not teach or suggest metadata having a value that classifies a pixel and a value that is compared to a threshold value. (See FIG. 2 of the present application & lines 1-7 of the specification which demonstrates that the RGB bits are not the same as metadata having a value for classification of a pixel) Applicant notes that the threshold 190 (alleged discretionary

threshold value) (See pg. 8 of the Office Action) is being compared to the results of a statistical analysis 180 and is not being compared to a metadata value of pixel as required by claim 1. Contrary to the directive set forth in MPEP § 707.07(f), the Examiner has not addressed or responded to the arguments set forth above and specifically at pages 15 and 16 of the Amendment filed January 12, 2007. Rather, the grounds of rejection merely contain verbatim the same arguments presented in the Office Action dated November 16, 2006 (See pg. 3 of the November 16, 2006 Office Action) without providing any additional substantive explanation whatsoever. As such, Applicant submits that the arguments submitted above and those set forth specifically at pages 15 and 16 of the Amendment filed January 12, 2007 remain rebutted, and independent claim 1 is allowable at least for those reasons previously of record.

In rejecting claim 1, the Examiner again relies on Crawford for the proposition that it teaches a “technique for obscuring the content of the image data.” (See pg. 3 of the Office Action) In the Amendment filed January 12, 2007, it was pointed out that even assuming *arguendo* that Crawford teaches obscuring content of an image the combination still does not teach or suggest all of the features of claim 1. Specifically, it was pointed out that Crawford, like Lynn, Humes and Swift, fails to teach or suggest at least that each pixel comprises first and second portions that are linked together and that the first portion includes payload data comprising content and that the second portion comprises a value which classifies the pixel independently from other pixels, as claimed. Even assuming *arguendo* that Crawford teaches obscuring content of an image, Crawford, like Lynn, Humes and Swift, does not teach or suggest a filter for obscuring the content of *only* a plurality of pixels that has a *metadata value* that *exceeds a discretionary threshold* value without preventing the display of the content of the remaining plurality of pixels that *does not have a metadata value* that exceeds the discretionary threshold value. Additionally, there is no teaching or suggestion in Crawford relating to classification of pixels and there certainly is no teaching or suggestion relating to classification of a pixel based on a value in each pixel that is contained within metadata, as required by claim 1. As such, Applicant again submits that the combination of Lynn, Humes, Swift and Crawford do not teach or suggest all of the features of claim 1. In contrast, to the mandate of MPEP § 707.07(f), the Examiner has not addressed or responded to the arguments set forth above and specifically at pages 16 and 17 of the Amendment filed January 12, 2007. Rather, the grounds of rejection

Appl. No.: 09/753,844
Amdt. dated 06/25/2007
Reply to Office action of April 4, 2007

merely contain verbatim the same arguments presented in the Office Action dated November 16, 2006 (See pg. 3 of the November 16, 2006 Office Action) without providing any additional substantive explanation whatsoever. Accordingly, Applicant submits that the arguments submitted above and those set forth specifically at pages 16 and 17 of the Amendment filed January 12, 2007 remain rebutted, and independent claim 1 is allowable at least for those reasons previously of record.

Based on at least the foregoing reasons, Applicant again submits that the numerous combination of references are deficient and do not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 16 and 25.

Since claims 3, 14, 19 and 29 contain features that are analogous to, though not necessarily coextensive with, the features recited in claim 1, Applicant submits that claims 3 and 14 and their respective dependent claims 5, 17, 26, 15, 18, and 27 as well as independent claims 29 and 19 as well as its dependent claims 20-24 and 28 are patentable at least for reasons analogous to those submitted for claim 1.

II. Rejection of Claim 5 Under 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynn, Humes, Swift, Crawford and Reilly (U.S. Patent No. 6,580,422; hereinafter "Reilly"). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, Lynn, Humes, Swift and Crawford are deficient vis-à-vis independent claim 3, and Reilly does not make up for the deficiencies of Lynn, Humes, Swift and Crawford. Accordingly claim 5 is patentable at least by virtue of its dependency from claim 3. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 5.

III. Rejection of Claims 16-17 & 24 Under 35 U.S.C. § 103

Claims 16, 17 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynn in view of Humes, Swift, Crawford and Blumenau (U.S. Patent No. 6,108,637; hereinafter "Blumenau"). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, Lynn, Humes, Swift and Crawford are deficient vis-à-vis independent claims 1, 3 and 19, and Blumenau does not make up for the deficiencies of Lynn, Humes, Swift and Crawford. Accordingly, claims 16, 17 and 24 are patentable at least by virtue of their respective dependencies from claims 1, 3 and 19. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claims 16, 17 and 24.

IV. Rejection of Claim 18 Under 35 U.S.C. § 103

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynn in view of Humes, Swift, Crawford and Applicant's Admitted Prior Art (AAPA). Applicant respectfully traverses this rejection for at least the following reasons.

As noted above, Lynn, Humes, Swift and Crawford are deficient vis-à-vis independent claim 14, and the AAPA does not compensate for the deficiencies of Lynn, Humes, Swift and Crawford. Accordingly, claim 18 is patentable at least by virtue of its dependency from claim 14. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 18.

V. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Vu is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 09/753,844
Amdt. dated 06/25/2007
Reply to Office action of April 4, 2007

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, reading "Cory C. Davis". The signature is written in a cursive style with a large, stylized initial "C".

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